

JAN 27 2009

PTO/SB/64 (10-01)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
**03013/01D1**

First named inventor: **Coren et.al.**

Application No.: **10/076247**

Art Unit: **1655**

Filed: **01/14/2002**

Examiner:

Title: **ANTIVIRAL COMPOSITION DERIVED FROM ALLIUM CEPA AND THERAPEUTIC USE  
THEREOF**

Attention: Office of Petitions  
Commissioner for Patents  
MS DAC  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity-fee \$ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify type of reply):

☒ has been filed previously on \_\_\_\_\_.

☒ is enclosed herewith.

**B. The issue fee of \$810.**

☐ has been paid previously on \_\_\_\_\_.

☒ The Commissioner is authorized to charge deposit account 501518 for the RCE fee SMALL ENTITY.

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Response to 13 November 2006 Final Office Action  
USSN: 10/076247; FAX: 571-273-8300  
CONTINUATION OF APPLICATION NO. 10/076247

ROBERT W. STROZIER, P.L.L.C.

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### 3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity or \$1,280 for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

Applicants attorney filed a Brief for Appeal, but never seems to be able to conform to the Office guidelines that seem to always move. Applicants never intended this application to go abandoned. Applicants' attorney bears the error as the appeal response was incorrectly docketed. Applicants, therefore, respectfully request the granting of this appeal.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

28 February 2002  
Date

Signature

Telephone  
Number: (713)977-7000

Robert W. Strozier  
Typed or printed name

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Houston, TX 77042  
Address

PO Box 429  
Bellair, TX 77402-0429

Enclosures ☒ Fee Payment:

- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☐ Other:

571-273-8300  
FAX Number

### CERTIFICATE OF TRANSMISSION VIA FACSIMILE

27 January 2009  
Date of Deposit

I hereby certify that this response is being transmitted via facsimile transmission to:

Commissioner of Patent  
MS DAC

Robert W. Strozier

P.O. Box 1450, Alexandria, VA 22313-1450

27 January 2009  
Date of Signature

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Response to 13 November 2006 Final Office Action  
USSN: 10/076247; FAX: 571-273-8300  
2009-01-27 10:44:59 AM [Eastern Standard Time] \* SVR:USPTO-EFAX-6/29 \* DNIS:2738300 \* CSID:7139777011 \* DURATION (mm:ss):03:48

ROBERT W. STROZIER, P.L.L.C.